



November 17th, 2014

Karen V. Gregory, Secretary
Federal Maritime Commission
800 North Capitol Street, N.W.
Washington, D.C. 20573-0001
Phone: (202) 523-5725
Email: secretary@fmc.gov

Reference : **Docket No. 13-05**
 Comments on Ocean Transportation Intermediary
 Regulation Revisions
 NPR October 10, 2014

Dear Ms. Gregory :

I am Peter Hofmann, Vice President and Qualifying Individual for Kuehne + Nagel Inc.

Kuehne + Nagel Inc. is a transportation provider operating as freight forwarder and NVOCC, d/b/a Blue Anchor America Line, License Nr. 001162NF, as well as being agents for Transpac d/b/a Blue Anchor Line, a foreign based NVOCC.

Kuehne + Nagel Inc. has fifty Branch Offices in the United States and is part of the global Kuehne + Nagel organization with over 1,000 offices world wide.

Kuehne + Nagel Inc. has provided freight forwarding services in the United States since 1966 and has been operating based on the prevailing FMC regulations.

Kuehne + Nagel Inc. is a member of the NCBFAA, and we are familiar with the issues raised by the NPRM, and we are very concerned about some of the issues addressed by the NPRM.

We respectfully request consideration for the following issues:

515.14 (c) Licenses shall be issued for an initial period of three (3) years –

We are strongly opposed to this proposed limitation of validity, which serves no practical purpose and does not improve the licensing requirement. This proposal merely adds unnecessary bureaucratic burden without any benefit for the shipping public.

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515.14 (d) License renewal process –

We are strongly opposed to this bureaucratic process, which is burdensome and does not add any benefit for the shipping public. License holders are already required to inform the Commission of any changes in their corporate structure, officers and directors, and locations of their corporate office and branch offices. There is no reasonable benefit to be achieved for the shipping public or the Commission, to force the Commission to spend additional resources on cumbersome review of thousands of license holders. This proposed renewal process is merely an additional burden for all parties, with no benefits. The Commission already has the necessary regulations for updating of records with 515.20 pp which addresses all necessary items.

515.23 (c) Notices of court and other claims against OTIs by financial responsibility providers

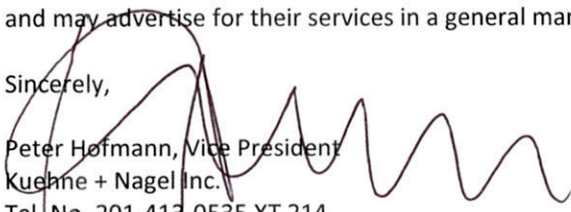
We are strongly opposed to this requirement, which appears to be capricious and onerous, and does not provide any benefit to the shipping public or the Commission. Any such notices will not improve any claim handling process, nor the outcome of any claim resolution. This requirement merely adds yet another bureaucratic layer of providing data, which is cumbersome to process for the license holder, the surety and even the Commission. It is a punitive disclosure for entities engaged with handling of high volumes, as such entities are potentially exposed to a higher number of claims. The proposed reporting of such claims does not provide any intelligence to the nature or justification of such claims. It further lacks any practical measures for comparison, even statistical, to arrive at any meaningful conclusions about the claim history of license holders. Kuehne + Nagel Inc. is one of the leading OTI's globally, and we have had no issues with the resolution of claims against Kuehne + Nagel Inc. This is a subject best handled between the license holder, surety and shipping public, who are the stake holders in any claim processing, and can avail themselves to well established procedures to resolve claims as efficient as possible for the benefit of all parties. This proposal has absolutely no relevance to the commercial realities of business processes, and enforcement of this proposal may ultimately taint the currently applicable and successful procedure.

515.31(j) Prohibition

We strongly object to this requirement and believe that this regulation does not provide any sensible purpose and in addition of being unenforceable, it does not promote the presumed general and comprehensive definition of the matters, items and actions sought to be established by the Commission. In addition, this prohibition is ill defined, and there are no practical means to police or enforce this regulation particularly with agents for business which is otherwise unrelated.

The regulations already provide with 515.3 that no person may act as an OTI (or NVO) unless that person holds a valid license issued by the Commission. To hold forth that "No person may advertise ... services ..." is well beyond the reach and control of any OTI, particularly if such agents represent a number of OTI's and may advertise for their services in a general manner.

Sincerely,


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